Remarks/Arguments:

This application contained original Claims 1-16. In this amendment Claim 1 is canceled without prejudice and replaced by new Claim 17 and new Claims 18, 19 and 20 are also added. Original Claims 2, 3, 4, 5, 6, 8, 9, 10 and 15 previously were dependent on Claim 1 and are now dependent on new Claim 17. In view of the above amendments Claims 2-20 are now pending.

The rejection of Claims 12-16 under 35 U.S.C. 112, second paragraph, found on page 2 of the Office Action is noted and overcome by appropriate amendments to the claims. Specifically, in Claim 12 "said top cone" has been replaced by "said top conical recess." In Claim 15 the plates and rims are now positively cited in the preamble.

The rejection of Claims 1-6, 8-11 and 15-16 under 35 U.S.C. 103(a) as being unpatentable over Amberg is noted and respectfully traversed, as this rejection may be applied to all the now pending claims.

To establish a *prima facie* case for obviousness under 35 U.S.C. 103(a), the Examiner must establish that (a) there is a suggestion or motivation in the cited reference or in generally available knowledge, to modify the reference to provide the claimed invention; (b) there must be a reasonable expectation of success; and (c) the prior art reference must teach or suggest every claim limitation. *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); *In re Royka and Martin*, 180 USPQ 580, 582 (CCPA 1974).

Amberg is cited by the Examiner for teaching a holder having all the elements of the rejected claims except that the Amberg holder is not reversible. The rejection asserts obviousness to invert the Amberg holder so that the bottom edge becomes the top edge.

This assertion is respectfully traversed because the Amberg holder is not intended to be inverted and if inverted will not function as a paper plate holder. The Amberg paper plate holder appears to be of the type long used for ice cream sundaes, with a shallow recess in the base and a relatively deep tapered recess in the top. As seen in Amberg the conical walls at the top extend the full height of the conical recess to the top edge of the rim; however, in the base the bottom edge changes abruptly from tapered to

a straight cylindrical rim, as seen in Figs. 1 and 6. If the Amberg holder were inverted with the shallow bottom recess now at the top, and a typical conical paper plate were directed to this shallow bottom recess, the paper plate could not lie flat against and be supported by the recess walls. Also, such a paper plate would be unstable and would tip to an awkward angle with risk that some food would fall out. In summary, Amberg does not disclose structure as claimed, and the Amberg holder was not intended to be inverted and would not function in that manner. Thus, there is no suggestion or motivation in Amberg to modify the disclosure therein, and consequently, it is believed to be incorrect to argue obviousness under 35 U.S.C. 103 to invert the Amberg holder as a basis for rejecting any of the present claims, all of which define a truly reversible holder.

Attention is now directed to the structure specifically claimed herein. The new invention of a reversible plate holder has novelty in its form and simplicity that is not disclosed or suggested in any of the cited prior art. New Claim 17, for example, recites not only that the holder is reversible, but that the top and bottom wall surfaces (of the top and bottom conical recesses) define a substantially uninterrupted conical shape from said neck to said top and bottom edges of said top and bottom truncated conical recesses respectively. The structure thus defined is totally different from Amberg, the claim does not read on Amberg and cannot be obvious from Amberg under 35 U.S.C. 103.

Independent Claims 18, 19, 12 and 16 and dependent Claims 2-11, 13 and 14 all include the same structural limitation of "substantially uninterrupted conical shape," and thus are similarly patentably distinguishable over Amberg.

On page 4 of the Office Action the rejection based on Amberg focuses on Claims 2 and 6, in view of Amberg's Fig. 1 showing a tube having uniform wall thickness. This structural feature of Amberg does not render Claims 2 and 6 obvious because these claims still include the above-mentioned limitation of "substantially uninterrupted conical shape."

The Office Action includes on page 4 a rejection of Claim 7 under 35 U.S.C. 103(a) as being unpatenable over Amberg in view of Willinger. The latter reference is cited for teaching injection molding; however, these combined references still do not

provide the structure claimed, since Claim 7 is dependent on Claim 17 with its above-noted limitations of "substantially uninterrupted conical shape."

The final rejection on page 5 of the Office Action rejects Claims 12-14 under 35 U.S.C. 103(a) as being unpatenable over Amberg in view of Connery. The rejection acknowledges that Amberg fails to teach a base for supporting the holder. Connery is cited for teaching a rectangular base (700) having a circular opening (720) for supporting the holder.

This rejection states that Amberg teaches all the elements of the claims except a base for supporting the holder. Even if Connery teaches a base for supporting a holder, the rejected claims recite that the holder is comprised of a base and other elements rather than comprising a base for supporting a holder. Claims 12-14 do not recite a base for supporting a holder. Thus, Connery is believed to be not relevant to the structure claimed, and even if it were, the combination of these two references will not satisfy or render obvious the structure claimed for the reasons expressed above, particularly, that neither teaches or suggests the limitation of "substantially uninterrupted conical shape" of the top and bottom recesses. Thus, a *prima facie* case of obviousness has not been presented.

New Claim 20 includes the further limitation of a sticky surface on the conical walls for supporting a paper plate. This claim is dependent on Claim 17 and is believed similarly allowable. As indicated above, it is believed that the arguments in support of rejected Claims 2-16 apply equally to new Claims 17-20, since these added claims all include the same structural limitation of "substantially uninterrupted conical shape" of the top and bottom conical recesses.

In view of the amendments proposed herein and the structural distinctions set forth with regard to the cited references, it is believed that all the currently pending

claims are patentable. Accordingly, reconsideration and favorable action are respectfully requested.

Respectfully submitted,

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Appendix A

Listing of Marked-Up Claims:

1. (canceled)

2. (currently amended) A reversible plate holder according to Claim [1] 17 wherein said top, bottom and neck parts define a single cylindrical tube having generally uniform wall thickness.

3. (currently amended) A reversible plate holder according to Claim [1] 17 wherein said inner wall surfaces ~~defining~~ of said top and said bottom ~~cones~~ conical recesses are generally flat as seen in sectional view extending axially and outwardly from ~~said top edge toward said neck part and from said bottom edge toward said neck part respectively~~ said neck part toward said top and said bottom edges respectively.

4. (currently amended) A reversible plate holder according to Claim [1] 17 wherein said inner wall surfaces ~~defining said top and said bottom cones are curved convexly~~ of said top and said bottom conical recesses define curved convex lines as seen in sectional view extending generally outwardly and axially from said top edge toward said neck part and from said bottom edge toward said neck part respectively.

5. (currently amended) A reversible plate holder according to Claim [1] 17 wherein said inner wall surfaces of said top and bottom ~~cones~~ conical recesses and said neck part define in sectional view extending generally radially and axially a continuous convex curved line.

6. (currently amended) A reversible plate holder according to Claim [1] 17 comprising an integral molded tubular cylinder.

7. (original) A reversible plate holder according to Claim 6 wherein said annulus comprises injection molded plastic.

8. (currently amended) A reversible plate holder according to Claim [1] 17 wherein said annulus has outer walls that define a generally straight circular cylinder, and said top, bottom and neck part walls are non-uniform in thickness.

9. (currently amended) A reversible plate holder according to Claim [1] 17 wherein said top, bottom and neck parts have walls which extending axially are non-uniform in thickness.

10. (currently amended) A reversible plate holder according to Claim [1] 17 wherein said top, bottom and neck parts have inner wall surfaces that are contiguous and define in axial section a continuous line devoid of any inward radical projections.

11. (original) A reversible plate holder according to Claim 10 wherein said top, bottom and neck parts have outer walls that are contiguous and define in axial section a continuous line devoid of any outward radial projections.

12. (currently amended) A reversible plate holder operable to hold and support selectively first or second plates of different first and second diameters respectively, each plate having a base, tapered side walls and a rim extending radially outward from said side walls, said reversible plate holder comprising:

a base having top and bottom parts with top and bottom surfaces respectively and a neck part between said top and bottom parts,

said top part having a top truncated conical recess extending downward from said top surface, which top surface is coincident with the base of said top conical recess cone having first diameter D1,

said bottom part having a bottom truncated conical recess extending upward from said bottom surface which bottom surface is coincident with the base of said bottom ~~cone~~ conical recess and has ~~having~~ second diameter D2 which is less than D1, each of said conical recesses the inner wall surfaces defining a substantially uninterrupted conical shape from said neck to said top and bottom surfaces respectively,

said top surface which is radially outward of said top conical recess having diameter corresponding to the rim diameter of said first plate for supporting same when placed thereon, said bottom surface which is radially outward of said bottom conical recess having diameter corresponding to the rim diameter of said second plate for supporting same when placed thereon when said base is inverted.

13. (original) A reversible plate holder according to Claim 12 wherein said base has outer side wall surfaces which define a circular cylinder coaxial with said conical recesses.

14. (original) A reversible plate holder according to Claim 12 wherein said base has outer side wall surfaces which define a rectangular block.

15. (currently amended) A reversible plate holder according to Claim ~~1~~ ~~wherein~~ 17 for use with plates where ~~said rim of~~ each of said first and second plates has a base, tapered side walls extending from said base to a top rim that extends generally radially outward from said side walls, each of said rims has radial width and curves downward, and said top and bottom edges respectively of said annulus ~~having~~ have thickness adapted to be less than said radial width, such that said rim will overlie and extend over and partially around the outside of said edges, when said plate is positioned on said plate support.

16. (currently amended) A reversible plate holder to hold and support selectively first and second plates of different first and second diameters respectively, each plate having a base, tapered side walls and a rim extending radially outward from said side walls, said reversible plate holder comprising:

an annulus whose inside walls define truncated conical shapes of different diameters at opposite ends of said annulus, said top end adapted to support and hold a first plate whose side walls and rim correspond in diameter to said top end and said adjacent conical walls respectively, and to support and hold a second plate whose side walls and rim correspond in diameter to said bottom end when said reversible plate holder is inverted, each of said conical recesses the inner wall surfaces defining a substantially uninterrupted conical shape from said neck to said top and bottom surfaces respectively.

17. (new) A reversible plate holder to hold and support selectively first or second plates of different first and second diameters respectively, said reversible plate holder comprising an annulus:

A. having axially spaced top and bottom parts with top and bottom edges of diameters D1 and D2 respectively and a neck part of diameter D3 axially between said top and bottom parts, where D1>D2 and D2>D3,

B. said top part having inner wall surfaces that define a truncated top conical recess,

C. said bottom part having inner wall surfaces that define an inverted truncated bottom conical recess generally coaxial with said top conical recess,

where each of said top and bottom part inner wall surfaces respectively defines a substantially uninterrupted conical shape from said neck to said top and bottom edges of said inverted top and bottom truncated conical recesses respectively, and

whereby said annulus in upright position has said conical recess at the top for supporting said first plate, and said annulus in inverted position has said bottom conical recess at the top for supporting said second plate.

18. (new) A reversible plate holder to hold and support selectively first or second plates of different first and second diameters respectively, where each of said plates has a base, tapered side walls for a full height extending from said base to a top rim that extends generally radially outward from said side walls, said reversible plate holder comprising an annulus:

A. having axially spaced top and bottom parts with top and bottom edges of diameters D1 and D2 respectively and a neck part of diameter D3 axially between said top and bottom parts, where D1>D2 and D2>D3,

B. said top part having inner wall surfaces that define a truncated top conical recess,

C. said bottom part having inner wall surfaces that define an inverted truncated bottom conical recess generally coaxial with said top conical recess,

where each of said top and bottom part inner wall surfaces respectively defines a substantially uninterrupted conical shape from said neck to said top and bottom edges of said inverted top and bottom truncated conical recesses respectively, and

whereby said annulus in upright position has said conical recess at the top for supporting said first plate, and said annulus in inverted position has said bottom conical recess at the top for supporting said second plate, said inner side wall surfaces of said top and bottom parts respectively adapted to support said tapered walls along substantially their full height from said base of said plate to said top rim thereof.

19. (new) A reversible plate holder to hold and support selectively first or second plates of different first and second diameters respectively, said reversible plate holder comprising an annulus:

A. having axially spaced top and bottom parts with top and bottom edges of diameters D1 and D2 respectively and a neck part of diameter D3 axially between said top and bottom parts, where D1>D2 and D2>D3,

B. said top part and bottom parts each defining a truncated conical recess whose walls of each recess extend downward in a substantially uninterrupted conical shape becoming smaller from said top and bottom edges respectively,

C. said bottom part having inner wall surfaces that define an inverted truncated bottom conical recess generally coaxial with said top conical recess,

where each of said top and bottom part wall surfaces respectively defines a substantially uninterrupted conical shape from said neck to said top and bottom edges of said inverted top and bottom truncated conical recesses respectively, and

whereby said annulus in upright position has said top conical recess at the top for supporting said first plate, and said annulus in inverted position has said bottom conical recess at the top for supporting said second plate.

20. (new) A reversible plate holder according to Claim 17 further comprising a layer of sticky material on said inner wall surfaces of said top and bottom conical recesses.